

EXHIBIT D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COREY EASTWOOD, JESSE HENRY,
GAURAV JASHNANI, CHRIS DWYER, and
DANIEL DWYER,

Plaintiffs,

- against -

THE CITY OF NEW YORK, CARMINE
FIORE, CAPTAIN KAVANAGH, PATRICK
QUIGLEY, SHAUN GUMBS, and DOES and
ROES,

Defendants.

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

05 Civ. 9483 (RJS) (JCF)

O R D E R

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/15/08

Defendants having moved by letter dated January 22, 2008 for an order dismissing certain claims and compelling discovery, it is hereby ORDERED as follows:

1. The emotional distress claims of plaintiff Jesse Henry are dismissed, as he has declined to produce releases for relevant mental health records.

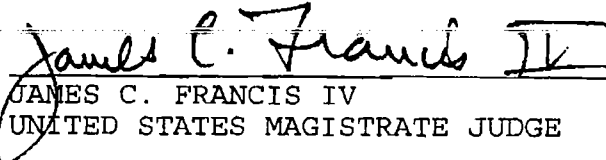
2. Defendants' application to dismiss the emotional distress and physical injury claims of plaintiff Guarav Jashnani is denied as frivolous. The releases requested relate to treatments having nothing to do with any emotional distress or physical injury claim in this case.

3. Plaintiffs Corey Eastwood, Guarav Jashnani, Chris Dwyer, and Dan Dwyer shall be available for a continuation of their depositions on a date prior to May 16, 2008 agreed upon by counsel. The continued depositions shall be limited to questions relating to the belatedly produced non-RNC arrest records. They shall be

the calls.

4. Defendants' application for a preclusion order regarding plaintiffs' clothing is denied without prejudice to renewal at trial.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
April 15, 2008

Copies mailed this date:

Michael L. Spiegel, Esq.
The Law Offices of Michael L. Spiegel
111 Broadway, Suite 1305
New York, New York 10006

Curt P. Beck, Esq.
Alexis L. Leist, Esq.
Assistant Corporation Counsel
100 Church Street
New York, New York 10007